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RIGHTS OF THE CHILD

Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts on its third session

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Introduction

1. The Commission on Human Rights, in paragraph 15 of its resolution 1996/85, requested the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission, with a view to finalizing the draft optional protocol.

2. The Economic and Social Council, in its decision 1996/288, approved the Commission's request.

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

3. The third session of the working group was opened by the High Commissioner for Human Rights, who made a statement. During the session the working group held eight plenary meetings from 20 to 30 January 1997. The working group adopted its report on 13 March 1997.

B. Election of the Chairman-Rapporteur

4. At its 1st meeting, on 20 January 1997, the working group elected Mr. Nils Eliasson (Sweden) Chairman-Rapporteur.

C. Participation

5. The representatives of the following States members of the Commission attended the meetings of the working group, which were open to all members of the Commission: Algeria, Argentina, Austria, Bangladesh, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Egypt, Ethiopia, France, Germany, India, Italy, Japan, Malaysia, Mexico, Netherlands, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

6. The following States, non-members of the Commission, were represented by observers: Australia, Belgium, Costa Rica, Croatia, Cyprus, Estonia, Finland, Iran (Islamic Republic of), Iraq, Morocco, Nigeria, Norway, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Syrian Arab Republic, Tunisia, Turkey, Venezuela, Yemen.

7. The following non-member States of the United Nations were also represented by observers: Holy See, Switzerland.

8. The following United Nations bodies were represented by observers: United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

9. The following specialized agency was represented by an observer: World Health Organization.

10. The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies were also represented by observers.

11. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Association for the Advancement of Psychological Understanding of Human Nature, Caritas Internacionalis, Friends World Committee for Consultation (Quakers), International Council of Women, International Federation of University Women, International Federation Terre des Hommes, International Save the Children Alliance, International Service for Human Rights, Women's International League for Peace and Freedom (WILPF) and the World Christian Life Community.

12. Pursuant to the invitation contained in paragraph 15 of Commission resolution 1996/85, the Committee on the Rights of the Child was represented at the meeting of the working group.

13. At the 3rd meeting, on 21 January 1997, Ms. M. Santos Pais, Rapporteur of the Committee on the Rights of the Child, delivered a statement on behalf of the Committee. Mr. Y. Kolosov, another member of the Committee, also attended the meeting. (See paras. 39-46 below.)

14. At the 5th meeting, on 24 January 1997, Ms. Graça Machel, the expert of the Secretary-General appointed pursuant to General Assembly resolution 48/157 to undertake a study on the impact of armed conflict on children, delivered a statement. (See paras. 47-54 below.)

D. Documentation and organization of work

15. The working group had before it the following documents:

E/CN.4/1997/WG.13/1	Provisional agenda
E/CN.4/1997/WG.13/2 and Add.1-2	Report of the Secretary-General prepared pursuant to paragraph 15 of Commission on Human Rights resolution 1996/85: comments on the report of the working group
E/CN.4/1996/102	Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts on its second session
A/51/306 and Add.1	Report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157

16. The working group adopted its agenda, as contained in document E/CN.4/1997/WG.13/1, at its 1st meeting, on 20 January 1997.

17. At the 4th meeting, on the proposal of the Chairman-Rapporteur, the working group decided to convene an informal drafting group in order to speed up the drafting process and to shorten its report, bearing in mind the 32-page limit on the length of documents. The informal drafting group, headed by the Chairman, held 10 meetings, from 21 to 28 January 1997.

II. GENERAL DISCUSSION

18. At its 1st and 2nd meetings, on 20 and 21 January 1997, the working group, at the invitation of the Chairman-Rapporteur, held a general discussion on questions relating to the draft optional protocol which had not been resolved during its first two sessions. The topics discussed included the question of the minimum age of those participating in hostilities, the issue of direct or indirect involvement in hostilities, the age of recruitment, be it voluntary or compulsory, into the armed forces, and whether or not a clause should be included in the draft optional protocol preventing child recruitment by non-governmental armed groups.

19. The majority of speakers fully supported the speedy adoption of an optional protocol affording the fullest possible protection against children being involved in armed conflicts. The opinion was expressed that the provisions of the protocol should achieve the greatest universal effect and that due consideration should therefore be given to the maximum possible number of ratifications or accessions as well as the effect of treaty norms on actors other than States parties, and that no reservations to the protocol should be admitted. Other participants considered that a clear and simply worded instrument offering children enhanced protection was needed rather than a compromise text without clear improvements in substantial areas.

20. Reference was made to the report of the expert of the Secretary-General, Ms. Graça Machel, on the impact of armed conflict on children, from which one participant quoted: "States should ensure the early and successful conclusion of the drafting of the optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, raising the age of recruitment and participation in the armed forces to 18 years".

21. One participant, speaking on behalf of a number of non-governmental organizations which worked with refugees and other groups affected by armed conflict by lending long-term humanitarian assistance and providing emergency relief, stated that they were acutely aware through their direct and broad international involvement that children were increasingly involved in many of today's armed conflicts and consequently suffered physically and psychologically to the detriment of the full enjoyment of their most fundamental human rights. These non-governmental organizations had witnessed over the years the severe consequences of armed conflict for children. They fully endorsed the belief that an optional protocol was urgently required in order to strengthen the levels of protection and respect for the rights of the child. They further urged the working group to set the number of ratifications or accessions necessary for the protocol to enter into force at 10, with a view to ensuring that the practice of engaging children in armed conflicts became a phenomenon of the past within the shortest possible time.

22. Wide support was given for the view that the prohibition of participation of children in hostilities and their recruitment into the armed forces as soldiers was the most important means of affording this protection. The view was also expressed that the enrolment of children who wished to pursue a future career in national defence in educational institutions operated by the armed forces was in conformity with the objectives and spirit of the Convention on the Rights of the Child, in particular its articles 28 and 29.

23. With respect to the question of the age of persons participating in hostilities, some participants were of the view that the minimum age should be designated as 18 years, which was felt to be consistent with the age stipulated in article 1 of the Convention on the Rights of the Child and in most national legislation and was the widely accepted age of legal majority. They believed that participation in hostilities was harsh and brutalizing and something to which those who had not reached legal majority ought not to be exposed. It was stated that children under 18 years of age would be unlikely to possess the maturity to deal with such experiences.

24. Other participants considered that the age for recruitment should be set at 17 years, and that the same age should be stipulated for direct participation in hostilities.

25. On the issue of direct or indirect involvement in hostilities, some participants believed that any participation should be precluded, as non-combat participation of children could be just as, or more, dangerous to the child than combat duty, and that the line between "direct" and "indirect" participation was, in practice, both extremely difficult to define and very easy to cross. Other participants insisted that the protocol should be in conformity with the Geneva Conventions and with paragraph 2 of article 38 of the Convention on the Rights of the Child which used the words "direct part in hostilities".

26. With respect to the age of recruitment into the armed forces, some participants believed that the minimum age for both compulsory and voluntary recruitment into the armed forces should be set at 18 years for the sake of consistency and, further, did not agree to earlier recruitment, even with parental consent. It was felt that children under 18 years of age were unlikely to possess the maturity to adequately assess the significance and consequences of volunteering to serve. Moreover, many volunteers would, in fact, have been coerced by factors such as the need for physical protection, their lack of food and/or other more subtle manipulations. In addition, it was said that as long as there were child soldiers in a country's armed forces, there would be a temptation to use them and, in any case, they were liable to be attacked. It was also pointed out that for many refugee children in particular, the facts of their displacement and the frequent absence of parental or other guidance made them doubly vulnerable in that regard.

27. Against this position an opinion was expressed that an unqualified 18-year age limit, being in effect a derogation from article 1 of the Convention on the Rights of the Child, would undermine its integrity as well as prevent the optional protocol from being universally acceptable.

28. Some delegations were in favour of a distinction between the ages of voluntary recruitment and compulsory recruitment. One reason given was that certain States advocated a lower age for voluntary recruitment than for compulsory recruitment because it was already the existing practice of those countries.

29. References were made by several participants to the age limits for compulsory and voluntary recruitment in their respective countries.

30. The view was also put forth that the minimum age for compulsory recruitment should be defined as 18 years or below if the person in question would attain that age in the year of their compulsory recruitment. As for eligibility for voluntary recruitment, persons who had attained or would attain the age of 17 years in the year of their volunteering to join the armed forces should be allowed to do so.

31. For the position that voluntary recruitment from age 16 should be allowed, it was said that young school leavers looked upon the armed forces as a valuable source of employment, training and continuing education. Furthermore, the view was expressed that recruitment into the armed forces would logically have to be at a lower age than the floor provided in article 1 for participation in hostilities. It was also pointed out that no one obviously envisaged despatching 17- or 18-year-olds for participation in hostilities without any training.

32. It was, however, argued that voluntariness was not accepted as a reason for making exceptions to a minimum age of 18 years under ILO Convention No. 138 for employment or work "likely to jeopardize the health, safety or morals of young persons".

33. Differing views were also expressed as to whether persons who had not attained the age of 18 should be allowed to enlist with or without the authority of their parents or guardians.

34. The opinion was also expressed that the working group should endorse procedures which would allow the Committee on the Rights of the Child to investigate allegations of continued recruitment of children into armed forces contrary to the provisions of the optional protocol.

35. Strong support was given by many participants to the inclusion of a clause preventing child recruitment by non-governmental armed groups, bearing in mind that most child soldiers were said to be currently serving in non-governmental armed groups. Without such a clause, it was felt that the optional protocol would lose much of its force. It was further stated that non-governmental armed groups were susceptible to international pressure and reference was made, as an example, to an armed opposition group which last year declared its willingness to abide by the recruitment standards in the Convention on the Rights of the Child. Some participants advised against setting differing age-limits for recruitment into the armed forces of States parties and into non-governmental armed opposition groups in order to avoid a confusion of standards.

36. A reference was also made to the international humanitarian law applicable in situations of non-international armed conflicts which binds all parties to a conflict, including armed groups, without giving them a legal status.

37. Other participants felt that implied recognition should not be given to non-governmental armed groups and that it would be preferable to see the issue covered in the preamble to the draft optional protocol, rather than in its operative part. It was further stated that it was important to be realistic about limits to the measures which might be taken by Governments, particularly as regards legislation, as non-governmental armed groups were already beyond the pale of law.

38. The need to ensure harmonization between the draft optional protocol and the principles of international humanitarian law was stressed. In this context, concern was expressed about the potential danger of limiting the reach of existing norms protecting children. It was stated that the optional protocol was meant to strengthen the levels of protection of the rights of the child, and this without creating additional legal loopholes.

39. At the 3rd meeting, on 21 January 1997, Mrs. Santos Pais and Mr. Kolosov, members of the Committee on the Rights of the Child, made statements on behalf on the Committee and participated in an exchange of views with the working group.

40. The members of the Committee reiterated that it attached particular importance to the exercise of drafting an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, in view of the decisive impact such a protocol would have on the protection of children's rights contained in the Convention on the Rights of the Child. The members recalled that the Committee's approach to the subject matter was reflected in the text that constituted the basis for the deliberations of the working group. They stated that the observations of the Committee were based on the provisions and principles of the Convention on the Rights of the Child and upon experience gleaned from six years of monitoring and reviewing some 70 States parties' reports.

41. The members stated that in the opinion of the Committee, the optional protocol was designed to strengthen the levels of protection ensured by the Convention on the Rights of the Child and that it was clearly not intended to repeat or even less to undermine its provisions. During situations of armed conflict children's rights were more at stake, and States could effectively show their true commitment to safeguard those same rights.

42. It was the continuing belief of the Committee that a special momentum had built up around children and the promotion of their rights at the international and national levels, which the number of ratifications and accessions to the Convention confirmed. Further, that a strong political consensus on these issues and a promising environment for improvement existed and was manifested in resolution 51/77 adopted by the General Assembly after the report on the impact of armed conflict on children of the expert of the Secretary-General, Graça Machel, had been submitted to it.

43. The Committee took the opportunity to reaffirm its position in relation to the different draft provisions under discussion by the working group and emphasized what it considered to be the most important elements. These were: that persons below the age of 18 years should never be allowed to be involved in hostilities, either directly or indirectly, as such involvement was physically and psychologically harmful to children and affected the full enjoyment of their fundamental rights; that persons below the age of 18 should neither be recruited on an involuntary basis nor allowed to enlist as volunteers into the armed forces of States parties or non-governmental armed groups; that even in situations where voluntary enlistment would be accepted by States, training of such persons should incorporate and pay due regard to education on human rights and humanitarian law; and that the optional protocol should not admit any reservations in view of its aim, which was to allow State parties to the Convention on the Rights of the Child which were in a position to do so, to clearly commit themselves not to recruit children below 18 years of age or allow their participation in hostilities.

44. Clarification was sought about the Committee's comments on the importance of including in the optional protocol an article on recruitment of minors by non-governmental armed groups. Another question was directed to the Committee about the situation of children attending military schools.

45. In answer, it was stated that in some 28 ongoing situations of armed conflict, persons below the age of 18 were being used heavily by non-governmental groups in hostilities, both directly and indirectly. It was, therefore, most important that the optional protocol should address the issue, obliging States parties to take all possible steps to prevent the recruitment of children by such insurgent groups in their territory. It was also recommended that the terminology of the optional protocol should not go beyond that contained in the Protocol II Additional to the 1949 Geneva Conventions. With regard to military schools, the Committee felt that such institutions should be supervised by the Ministry of Education rather than by the Ministry of Defence and that provisions protecting students below the age of 18 from being used as tools in armed conflict should be included in the new instrument. In any case, the Committee warned that in emergency situations there was often a temptation to use students as soldiers.

46. The members of the Committee on the Rights of the Child also referred to the written comments submitted by the Committee which were before the working group in document E/CN.4/1997/WG.13/2/Add.1.

47. At the 5th meeting, on 24 January 1997, Ms. Graça Machel, the expert of the Secretary-General appointed pursuant to General Assembly resolution 48/157 to undertake a study on the impact of armed conflict on children, was invited by the Chairman-Rapporteur to address the working group and to participate in its discussions.

48. The expert stated that she was now able to testify to the flagrant abuse and exploitation of children in situations of armed conflict; hundreds of thousands of children of both sexes, some less than 10 years old, had been pushed into battle.

49. She highlighted the main points of her report (A/51/306 and Add.1) which included among its recommendations the early and successful finalization of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, and raising the age-limit to 18 years for recruitment, voluntary as well as compulsory, and for participation, both direct and indirect, in the armed forces. She pointed out practical steps which could be taken by Governments to prevent future recruitment of children and called upon them to establish effective monitoring systems and sufficiently strong legal remedies and institutions to tackle abuses.

50. The expert encouraged the working group, in drafting the optional protocol, to take a realistic approach in relation to non-governmental armed groups, in the light of the fact that the vast majority of contemporary armed conflicts were internal. In that connection, she stressed that the plight of all children affected by armed conflicts was of concern to Governments, regardless of whether they had been recruited by the armed forces of States or by non-governmental armed groups.

51. Following her statement, the expert was asked to comment further on the appropriateness and effectiveness of addressing the issue of non-governmental armed groups in a protocol to be ratified or acceded to by States. She was also asked how the international community could really come to grips with recruitment by non-governmental armed groups, particularly when some States had provided support to safe havens for and exerted influence on such groups.

52. The expert stated that, without facing up to real problems, standards and norms would lose their relevance. She appealed to the working group to respond in a timely manner to today's challenge, namely situations of internal conflict. Failing to do this for political reasons would be tantamount, in her opinion, to taking half-measures to deal with the problem. Moreover, the expert felt that the working group would fail completely if it did not address the situation of children in non-governmental armed groups.

53. The expert expressed the view that ratification of the instrument would entail an obligation for States parties to respect and implement its provisions with respect to non-governmental armed groups operating both inside and outside of their countries. Further, she referred to a moral responsibility contained in the commitment of States to the international community to protect all children. She added that in civil society all forms of pressure should be brought to bear on eradicating the use of child soldiers; public opinion would isolate the abusers and render the phenomenon unacceptable and intolerable to the collective human and social consciousness.

54. In answer to a question on governmental awareness about children and violence, the expert remarked that there was universal concern with the protection of children which cut across cultural, social and religious differences. The involvement of children in armed conflict could be characterized as a "crisis of values" or a "moral vacuum" existing despite widespread concern for the well-being of children.

Particular views expressed by some delegations

55. The representative of the Netherlands expressed his disappointment that the draft optional protocol had not been finalized during this year's session of the working group, and this despite the laudable and efficient work of its Chairman-Rapporteur. The Government of the Netherlands, being of the opinion that the subject matter under consideration deserved a speedy resolution, had changed its recruitment policy in order to facilitate consensus. Furthermore, the delegate felt that while delegations should continue to strive towards consensus within the framework of an optional protocol, the international community should not be precluded from seeking alternative ways of raising the age-limit for the involvement of young persons in armed conflict.

56. The observer for Nigeria requested the working group to focus on its mandate, namely to raise the 15-year age-limit for the involvement of children in hostilities set out in paragraph 38 of the Convention on the Rights of the Child; his delegation favoured an age-limit of 18 years. In the interest of time, he wished to discourage any action that would stall negotiations, such as concentrating on the highly controversial issues of recruitment (voluntary and compulsory) into the armed forces contained in article 2 and investigative mechanisms in new article D. Instead, his delegation suggested concentrating on articles 1, new article A, 7, 8, 9 and 10 as contained in the annex to document E/CN.4/1996/102 and a short preamble. With respect to new article A, his delegation supported the text proposed by the International Committee of the Red Cross (see para. 114 below) because, unlike other proposals, it covered the question of refugee children and internally displaced children as well as applying to armed groups operating in "no-man's land", i.e. outside the jurisdiction of any legally recognized Government, and cited the situation in Liberia to buttress his argument.

57. The observer for Peru expressed his delegation's insistence on a draft optional protocol with clear regulations in respect of the recruitment of minors by non-governmental armed groups and reserved the right to revert to the matter by proposing another preambular paragraph, once consensus was reached on article 1 and new article A. Adding to what had been said to the working group at the session by the members of the Committee on the Rights of the Child and the expert on the impact of armed conflict on children, he stated that in order to achieve the highest degree of legitimacy and credibility, the optional protocol would have to address the issue of recruitment of children by non-governmental armed groups in an effective way, which had not been the case until then.

58. The observer for Switzerland wished to draw the attention of the session's participants to the close relationship between paragraphs 4 and 2 of article 2. He expressed his Government's support for paragraph 4 of article 2, provided that the age-limit in paragraph 2 was set at 18 years.

59. The representative of Pakistan stated that his delegation favoured keeping a distinction between voluntary and compulsory recruitment in the optional protocol. In Pakistan, there was no compulsory recruitment; the armed forces offered recruits a career in order to mitigate the high rate of unemployment in the country and, as most recruits volunteered when they had completed 10 years of schooling at the age of 15 or 16, a minimum age of

18 years for voluntary recruitment would be bound to create social problems for a developing country like Pakistan. Furthermore, recruits initially underwent training, and would be unlikely to participate in hostilities until after they had completed initial training and attained the age of 18 years. Thus, the representative of Pakistan felt that the recruitment at the age of 16 years could improve the education and confidence of the individual without actual participation in war. If such real-life problems were given due weight, the protocol would win wider and speedy acceptance. Therefore, his delegation would be unable to accept an age-limit higher than 16 years for voluntary recruitment at the present time. His delegation favoured an age-limit of 17 years for involvement in hostilities and retaining the words "a direct" in article 1.

60. The delegation of the Holy See expressed regret that the Working Group had been unable to arrive at a consensus. It did not think it would be useful to meet again the following year without having first held multilateral and bilateral high-level consultations. That procedure would have the advantage of demonstrating a political will to strengthen the protection of children in order to prevent their recruitment and participation in armed conflicts, which in turn would pave the way for significant progress. It was only natural for such political will to follow from the World Summit for Children, held at New York in 1990, which had affirmed the essential principles necessary to the promotion of the "best interests" and the "development" of the child, as called for in the Convention on the Rights of the Child. The delegation of the Holy See realized that all those who had endeavoured to ensure the genuine promotion of the dignity of children of which Ms. Graça Machel had spoken in her report could not fail to be disappointed. "Morality must inspire law", as Pope John Paul II had stated in his recent address to the diplomatic community. If the law ceased to be based on morality, it would be impossible for it to carry out its mission to the full. The goal of the Working Group must remain the protection of the most vulnerable human beings, children.

III. PROPOSALS CONCERNING THE DRAFT OPTIONAL PROTOCOL

61. At its 1st meeting, on 20 January 1997, the working group began its consideration of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts as contained in the report of the working group on its second session (E/CN.4/1996/102, annex). Various proposals relating to the preamble and the operative part of that document were considered by the working group, as follows.

A. Preamble

62. At its 3rd meeting, on 21 January 1997, the working group began its consideration of the preambular part of the draft optional protocol.

63. Since no new proposals were made with regard to the first, second, third, eighth and ninth preambular paragraphs, their text remained unchanged (see annex).

Fourth preambular paragraph

64. The fourth preambular paragraph, as contained in the annex to document E/CN.4/1996/102, read as follows:

> "[Noting that article 1 of the Convention recognizes every human being below the age of 18 years to be a child, unless under the law applicable to the child, majority is attained earlier,]"

65. At the 3rd meeting, on 21 January 1997, the Chairman-Rapporteur proposed the following alternative text:

> "Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purpose of that Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier,"

66. The observer for Iraq supported this proposal. The representative of the United Kingdom stated that this proposal would only be acceptable in exchange for the deletion of the alternative version of article 1. His view was shared by the delegations of the Netherlands and Finland.

67. The representative of Cuba favoured the retention of the paragraph and reiterated her support for the original text.

68. The representative of the Philippines stated that if the paragraph were not to be deleted she would propose that it be modified to read:

> "Noting the definition of a child under article 1 of the Convention on the Rights of the Child,"

69. The representative of the Netherlands expressed doubts about the use of the word "definition" in this context.

70. Subsequent to the consideration of this paragraph by the informal drafting group, the fourth preambular paragraph was modified (see annex).

Fifth preambular paragraph

71. At the 3rd meeting, on 21 January 1997, the representative of Cuba suggested that the Spanish version of this paragraph, as contained in the annex to document E/CN.4/1996/102, should be modified in order to correspond to the English and French versions.

Sixth preambular paragraph

72. At the 3rd meeting, on 21 January 1997, the representative of the Netherlands suggested the deletion of this paragraph as contained in the annex to document E/CN.4/1996/102. His proposal was opposed by the representative of Ethiopia who reiterated his support for the existing text.

Seventh preambular paragraph

73. At the 3rd meeting, on 21 January 1997, the representative of France proposed to substitute, in the French version of this paragraph, as contained in the annex to document E/CN.4/1996/102, the words "l'observance" by "le respect".

B. Article 1

74. At the 2nd meeting, on 20 January 1997, the working group began its consideration of article 1 of the draft optional protocol. The working group had before it two options for a possible article 1, as contained in the annex to document E/CN.4/1996/102, which read as follows:

> "States Parties shall take all feasible measures to ensure that persons who have not attained the age of [18] [17] years do not take [a direct] part in hostilities"
>
> OR
>
> "[In armed conflicts and without prejudice to international humanitarian law, States Parties shall take all feasible measures to ensure that persons who have not attained the age of 18 years do not take part in hostilities, unless under the law applicable to the child, majority is attained earlier.]"

75. The representative of Ethiopia proposed to consider only the first option of article 1. Throughout the subsequent discussion, only this first option was referred to.

76. The representative of Ethiopia also proposed to delete "[17]" and to keep the "18" years option. This proposal was supported by the delegations of Finland, Slovakia, Sweden, the Syrian Arab Republic, Germany, Australia, Malaysia, Norway, Nigeria, the Netherlands, Iraq, Uruguay, the Philippines, China, Chile and Japan. It was later supported by the representatives of Algeria, Canada, South Africa, Denmark, the Czech Republic, Egypt, the Russian Federation, and the observers for Morocco, Belgium, Estonia, Romania, Switzerland, the Holy See, the United Nations Children's Fund, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. The representatives of the United Kingdom and of the Republic of Korea favoured the age of 17 years, but stated that if consensus was reached on the age of 18 years, they would go along with the majority. This position was also shared by the representative of Bangladesh.

77. The representative of the Republic of Korea further indicated that in this case he would propose to add at the end of the article the following words: "unless under the law applicable, a lower age is established in accordance with article 38 of the Convention on the Rights of the Child".

78. The representatives of the United States of America, Pakistan and Cuba proposed to delete "[18]" and to keep the "17" years option.

79. The observer for Finland proposed to delete the words "[a direct]". This proposal was supported by the delegations of Slovakia, Sweden, Germany, Australia, Malaysia, Norway, the Republic of Korea, the Philippines, Chile and the International Committee of the Red Cross. This proposal was later supported by the representatives of Denmark, the Czech Republic, Egypt, Ethiopia and the Russian Federation, and the observers for Australia, Belgium, Estonia, Romania, Uruguay, Switzerland, the Holy See, the International Federation of Red Cross and Red Crescent Societies and the United Nations Children's Fund. On the contrary, the following delegations proposed to keep "[a direct]": Nigeria, Iraq, the United States of America, Cuba, the United Kingdom, Pakistan, China and Japan. The representative of the Netherlands pointed out that the words "a direct" appear in paragraph 2 of article 38 of the Convention on the Rights of the Child.

80. The delegations of Malaysia, Uruguay and Iraq pointed out that instead of the word "hostilities", they would prefer the words "armed conflicts". The observer for Nigeria also favoured this change if "[a direct]" was deleted. The word "hostilities" was preferred by the observer for the International Committee of the Red Cross.

81. Subsequent to the consideration of article 1 by the informal drafting group, and after having agreed to retain a modified version of the fourth preambular paragraph, the second option of article 1 was deleted. The first option of this article remained unchanged (see annex).

C. Article 2

82. At the 3rd meeting, on 21 January 1997, the working group began its consideration of article 2, as contained in the annex to document E/CN.4/1996/102, which read as follows:

> "1. States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.
>
> "2. [Without prejudice to article 1,] States Parties shall ensure that persons who have not attained the age of [16] [17] [18] years are not voluntarily recruited into their armed forces.
>
> "3. States Parties shall ensure that every person who chooses to enlist into their armed forces before reaching the age of 18 does so of his or her own free will and, unless he or she has already attained majority, with the full and informed consent of those legally responsible for him or her.
>
> "4. [Paragraph 2 does not preclude the recruitment, by the armed forces of States Parties, of those who have attained the age of 15 years for enrolment in educational institutions operated by or under the

control of their armed forces, provided that they are not subject to military training before they have reached the age of [16] [17] [18] years]."

OR

"4. [This article does not apply to enrolment of students in educational or training establishments operated by or under the control of their armed forces in accordance with articles 28 and 29 of the Convention on the Rights of the Child]."

83. Concerning paragraph 1 of this article, the representative of Cuba proposed to add, after the words "armed forces", the following text: "unless under the law applicable to the child, the majority is attained at more than 16 years. In recruiting among those persons who have attained the age of 16 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest". ["salvo que en virtud de la ley que le aplicable al menor, la mayoria de edad se alcance después de los 16 años. Si se reclutan personas que hayan cumplido 16 años, pero que sean menores de 18 años, los Estados Partes procurarán dar prioridad a los más edad."]

84. The representative of the Philippines proposed to combine current paragraphs 1 and 2 of article 2 to read as follows: "States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily, nor voluntarily, recruited into their armed forces".

85. The observer for Cyprus suggested that a provision should be included in paragraph 1 in order to allow compulsory recruitment of persons who have attained the age of 18 years or will attain the age of 18 years in the year of their compulsory recruitment.

86. With regard to paragraph 2 of this article, the representative of the Netherlands proposed to maintain the words "[Without prejudice to article 1,]". The representative of France suggested the deletion of those words.

87. Concerning the three options of age [16] [17] [18] years in paragraph 2 of article 2, the observer for Australia supported by the representatives of France and Austria proposed to keep "17" years and to delete the other age options. This position was subsequently supported by the representatives of South Africa, Egypt, Cuba, the United States of America, the Netherlands, China and the Republic of Korea and the observer for Portugal. The observer for Finland, supported by the delegations of Sweden, the Russian Federation, Belgium and the Ukraine, proposed to keep "18" years and to delete the other two age options. This position was subsequently supported by the representatives of Ethiopia and the Czech Republic and the observers for Costa Rica, Nigeria, Estonia, the Holy See, Switzerland, Uruguay, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the United Nations Children's Fund.

88. The representative of the United Kingdom stated that he could not indicate a preference of age in paragraph 2 of article 2 because no agreement

had yet been reached on paragraph 4 of this article. Subsequently, and as a result of the informal consultations, he indicated that whilst his delegation retained a preference for "16" years in paragraph 2 of article 2, he would not stand in the way of an emerging consensus on "17" years.

89. The representative of Denmark stated that the minimum age for voluntary recruitment into the armed forces contained in article 2 should be "17" years and that his delegation would support a consensus for "18" years. The observer for Norway shared this position which was subsequently also shared by the representative of Chile. The representative of Uruguay indicated a strong preference for "18" years, and stated that she could also consider the possibility of accepting the "17" years option but not "16" years.

90. The representative of China proposed that the last phrase of paragraph 3 of article 2 be replaced by the following words: "with the full and informed consent of his or her parents, legal guardians or other persons who are legally responsible for him or her".

91. The representative of Pakistan favoured the age of "16" years for voluntary recruitment. He further stated that his delegation could not take a position on the existing two options for paragraph 4 of article 2, because no agreement had yet been reached on paragraph 2 of this article. The representative of Bangladesh preferred the deletions of both the age options of "17" and "18" years.

92. The observer for Cyprus proposed the following wording for paragraph 2: "Persons who have attained or will attain the age of 17 in the year of their voluntary recruitment, could be voluntarily recruited. These volunteers will declare at the time of recruitment whether they accept to take part in armed conflicts".

93. Concerning paragraph 3 of article 2, the representative of Austria proposed to delete the following words: "and, unless he or she has already attained majority, with the full and informed consent of those legally responsible for him or her", thus ending the paragraph after the words "his or her own free will". This proposal was later supported by the representatives of Brazil and Chile.

94. The representative of Bangladesh proposed the following alternative text for paragraph 3 of article 2: "States Parties shall ensure that every person who chooses to enlist into their armed forces before attaining the age of majority, does so with the full and informed consent of those legally responsible for him or her".

95. With regard to the two options for paragraph 4 of article 2, the representative of France indicated that she had no strong preference. However, if the first option was adopted, she would prefer maintaining "16" years and deleting "[17]" and "[18]"; if the second option was adopted, she suggested to begin the paragraph as follows: "Paragraph 2 does not apply ...". The observer for Sweden also indicated that she had no preference. However, if the first option was adopted, she would prefer maintaining "17" years and deleting "[16]" and "[18]".

96. The representative of the United Kingdom expressed a preference for the **first** option of paragraph 4. However, he would support maintaining "16" years and deleting "[17]" and "[18]" as well as deleting the words "provided that they are not subject to military training before they have reached the age of [16] [17] [18] years".

97. The observer for Australia expressed a preference for the first option of paragraph 4. The representative of Ukraine also preferred the first option, but suggested an additional wording so that the paragraph would clearly state at the end that children "shall not undertake any obligation to take part in military action before they reach 18 years". The representative of Japan also preferred the first option, but with the addition of "in accordance with articles 28 and 29 of the Convention on the Rights of the Child" at the end of the paragraph.

98. The following delegations favoured the second option of paragraph 4: Mexico, Austria, Norway, Belgium, the United States of America, Peru, the Philippines and the Russian Federation. This position was later shared by the delegations of Iraq, Nigeria and Chile.

99. The representative of the Netherlands also favoured the second option of paragraph 4. He proposed to delete the words "or training" before the word "establishments" and to add at the end of the paragraph: "provided that they are not subject to military training before they have reached the age of [17] [18] years". The representative of China agreed with the latter addition. He further proposed to replace the words "not subject to military training" by "not involved in hostilities".

100. The representative of Uruguay favoured the second option of paragraph 4, modifying the beginning of the paragraph to read: "This article does not preclude ...". She supported the additional wording submitted by the representative of the Netherlands.

101. Subsequent to the consideration of article 2 by the informal drafting group, it was agreed to delete in paragraph 2, the words "[Without prejudice to article 1,]".

102. Concerning paragraph 4, the working group decided, also as a result of informal consultations, to replace the existing text with a new wording (see annex), on the understanding that this text would be considered further at the next session of the working group. In this context it should be borne in mind that delegations had expressed concern that the wording in the annex did not distinguish, on the one hand, students who are members of the armed forces from, on the other hand, students who are not members of the armed forces.

103. In this connection, some delegations stated that they could not agree to the text of paragraph 4 of article 2 as reproduced in the annex. They stated that no proposal tabled during the meetings of the informal drafting group concerning this paragraph had, in their opinion, sufficiently addressed the issue of clearly establishing whether students in establishments operated by or under the control of the armed forces were to be considered part of the armed forces. If they were to be considered part of the armed forces, then the options of an age limit as proposed in paragraph 2 of article 2 should

apply. If not, then a clause should be added to the draft optional protocol stating that the students attending establishments operated by or under the control of the armed forces were not members of the armed forces. The opinion was expressed that the issue of students in military establishments constituted an exception to the principle contained in paragraph 2 of article 2 and that, as such, it should be considered further at the next session of the working group.

D. New article A

104. At the 2nd meeting, on 20 January 1997, the working group began its consideration on new article A, as contained in the annex to document E/CN.4/1996/102, which read as follows:

> "States Parties shall take all feasible measures, including any necessary legislation, to prevent the recruitment of persons under the age of 18 years [of minors] subject to their jurisdiction by non-governmental armed groups [which are parties to] [involved in] an armed conflict."

105. The representative of Pakistan suggested either the deletion of this article or its eventual modification.

106. The representative of China proposed to move this article to the preambular part of the optional protocol. This proposal was supported by the representatives of Cuba, India, Brazil, Colombia and the observer for Peru.

107. The representative of the Netherlands proposed to maintain new article A in the operative part of the optional protocol. This proposal was supported by the delegations of Norway, Australia, Denmark, Slovakia, Japan, Uruguay, the United States of America, Finland, Sweden, Nigeria, the United Kingdom, Chile and the Friends World Committee for Consultation (Quakers). This proposal was subsequently supported by the delegations of Austria, Estonia, Germany, the Czech Republic, Canada, France, Romania, Switzerland and the United Nations Children's Fund.

108. Concerning the present text of new article A, the observer for Norway suggested the deletion of the words "[of minors]". This proposal was supported by the delegations of Australia, Denmark, Slovakia, Japan, Sweden, Nigeria, Mexico and the Netherlands.

109. With regard to the alternative wording at the end of the article, the delegations of Norway, Denmark and Sweden indicated that they had no preference for either option.

110. The representative of Japan proposed to delete "[involved in]" and to maintain "[which are parties to]". The delegations of Nigeria, Pakistan, Mexico and the International Committee of the Red Cross supported this proposal.

111. The observer for Australia proposed to end new article A after the words "by non-governmental armed groups", deleting the rest of the sentence. The delegations of Slovakia, Uruguay, Finland and Sweden stated that they could agree with this suggestion. On the contrary, the delegations of the United States of America and Nigeria opposed this proposal.

112. The representative of Bangladesh proposed the following new wording for the new article A: "States Parties shall consider measures to be taken unilaterally or jointly in the event of the recruitment of minors subject to their jurisdiction by non-governmental armed groups".

113. The representative of Chile proposed to insert the words "in so far as possible" after the words "to prevent".

114. The observer for Slovakia suggested that the word "hostilities" should be added, in square brackets, after the words "an armed conflict".

115. At the 4th meeting, on 21 January 1997, the Chairman-Rapporteur drew the attention of the working group to the new wording of the article proposed by the observer for the International Committee of the Red Cross, which read as follows:

> "In the case of armed conflict not of an international character occurring in the territory of one of the State parties, each party to the conflict shall be bound to apply the provisions contained in articles 1 and 2. The application of the preceding provision shall not affect the legal status of the parties to the conflict."

116. A discussion on this proposal was pursued during informal drafting group meetings, with several views being expressed.

117. At the 6th meeting, on 28 January 1997, the representative of Pakistan referred to the first option of new article A as contained in the annex to document E/CN.4/1996/102 and proposed to delete the words "including any necessary legislation," as well as the words "[of minors]". He further proposed to retain the words "[which are parties to]", to delete the words "[involved in]" and to add, after the words "armed conflict", the phrase "without prejudice to the rights of peoples to self-determination and freedom from foreign occupation and alien domination". The addition of this phrase was supported by the observer for the Syrian Arab Republic.

118. A number of delegations supported another text of new article A which had been considered previously by the informal drafting group (see annex).

E. Article 4

119. At the 3rd meeting, on 21 January 1997, the working group began its consideration of article 4. The three options for this article, as contained in the annex to document E/CN.4/1996/102, read as follows:

"[No reservation is admissible to the present Protocol.]"

OR

"[No reservation is admissible to articles ... and ... of the present Protocol.]"

OR

"[A reservation incompatible with the object and the purpose of the present Protocol shall not be permitted.]"

120. The representative of the Netherlands favoured the first option but stated that if consensus could not be reached, then he would consider the second option, as long as no reservation would be admissible to articles 1, 2 and new article A of the draft optional protocol. The delegations of Norway, Germany, Romania and Peru supported this position.

121. The representative of Ethiopia also expressed preference for the first option. If consensus could not be reached on that option, he proposed not to have a separate article on reservations at all, but to consider the possibility of adding an "opting-in/opting-out clause" to such articles as new article D of the draft optional protocol. This suggestion was supported by the observer for Sweden.

122. The observer for Australia, supported by the delegations of the Russian Federation, Denmark, Ukraine, Switzerland and Uruguay, expressed preference for the first option.

123. The representative of Italy also preferred the first option, but stated that if no agreement was reached, she could accept the third one. The representative of China also supported the first option but said his delegation would also be able to consider the other two options.

124. As the third option only reflected international treaty law, it was considered unnecessary by the delegations of Norway, Germany, Peru and the Netherlands.

125. The representative of France, supported by the delegations of Japan, the Syrian Arab Republic, Tunisia and Mexico, expressed preference for the third option.

126. The representative of the United Kingdom stated that he could not take a position on this article since no agreement on articles 1 and 2 of the draft optional protocol had yet been reached. The representative of Bangladesh subsequently supported this position. The representatives of Brazil and Cuba also agreed with this position, but stated that if they were to take a position on article 4 at that time, they would choose option 3. The representative of the United States of America also agreed with the position of the United Kingdom, but felt that the third option was not necessary and proposed its deletion.

127. Subsequent to the consideration of article 4 in plenary meetings and by the informal drafting group, it remained unchanged (see annex).

F. New article D

128. At the 3rd meeting, on 21 January 1997, the working group took up consideration of new article D as contained in the annex to document E/CN.4/1996/102.

129. During the plenary meetings of the working group, no formal proposals concerning the text of this article were submitted.

130. At the suggestion of several delegations, a request for a legal opinion was forwarded by the Chairman-Rapporteur, on 23 January 1997, to the United Nations Legal Counsel, in which an advice was sought on whether the proposed extending of the tasks of the Committee on the Rights of the Child would fall within the competence of the working group.

131. In the reply to this request dated 24 January 1997, the Legal Counsel indicated that, to the extent that the working group has been mandated by the Commission to elaborate a draft optional protocol to the Convention, it may elaborate any provisions relevant to the draft optional protocol to the Convention on the Rights of the Child. The working group's elaboration of a draft provision extending the functions of the Committee on the Rights of the Child would not in and of itself extend the functions of the Committee. Such extension of the Committee's functions would not be effective until such time as the draft provision concerned, as part of the draft optional protocol, enters into force pursuant to its terms.

132. It was pointed out that the working group might therefore elaborate a draft provision extending the functions of the Committee provided such functions are relevant to examining the progress made by State parties in achieving the realization of the obligations undertaken in the optional protocol to the Convention. The Legal Counsel further advised that the optional protocol would only be binding on those States parties to the Convention which also become parties to the optional protocol. Assuming that the draft provision in question becomes part of the optional protocol and enters into force as such, the Committee could only exercise its extended functions (i.e. on-site investigations) vis-à-vis those States parties to the Convention which are States parties to the optional protocol.

133. During discussions in the informal drafting group questions relating to, inter alia, sources of information, consent of the concerned State party regarding country visits, etc. were raised. Several delegations supported the inclusion of an article similar to proposed new article D. Others stressed the importance of the reliability of sources of information and the prior consent of States to be visited. Still others stressed that prior consent should not be required and that the Committee itself should be the judge of the reliability of sources of information. Subsequent to the consideration of new article D by the informal drafting group, it remained bracketed (see annex).

G. Articles 3, 5, 7 and 9

134. At its 3rd meeting, on 21 January 1997, the working group considered articles 3, 5, 7 and 9 as contained in the annex to document E/CN.4/1996/102. No formal proposals were submitted concerning these articles and their texts remained unchanged (see annex).

H. Article 6

135. Subsequent to the consideration of this article by the informal drafting group, including the question of whether an article of this kind was at all necessary in the optional protocol, article 6 was modified (see annex).

I. Article 8

136. At its 3rd meeting, on 21 January 1997, the working group considered article 8, as contained in the annex to document E/CN.4/1996/102, which read as follows:

> "1. The present Protocol shall enter into force three months after the deposit of the [tenth] [twenty-fifth] instrument of ratification or accession.
>
> "2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession."

137. Concerning paragraph 1 of article 8, the delegations of Norway, Australia, the Russian Federation, Bulgaria, Italy, Japan, Uruguay and Sweden, favoured the deletion of the words "[twenty-fifth]" and the retention of the word "[tenth]". Subsequently, the delegation of the Netherlands associated itself with this position.

138. The delegation of Cuba expressed the preference of her delegation for the other option.

139. Following the proposal of the Chairman-Rapporteur, the working group agreed to retain in paragraph 1 of article 8 the word "[tenth]". Consequently, paragraph 1 of article 8 was modified to read as follows:

> "The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession."

140. Paragraph 2 of article 8 remained unchanged.

J. Article 10

141. At its 3rd meeting, on 21 January 1997, the working group considered article 10, as contained in the annex to document E/CN.4/1996/102.

142. The representative of Japan suggested to delete the words "together with the Convention on the Rights of the Child" at the end of the first paragraph of the article, which he considered unnecessary.

143. The text of this article remained unchanged (see annex).

Annex

DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS

The States parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Considering that to further strengthen the implementation of rights recognized in the Convention on the Rights of the Child, there is a need to increase the protection of children from involvement in armed conflicts,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purpose of that Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention, raising the age of possible recruitment of persons into armed forces and their participation in hostilities, will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting with satisfaction that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Convinced of the need to strengthen international cooperation regarding the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflicts,

Recognizing with grave concern the growing trend towards recruitment, training and use of children in hostilities by armed groups,

Have agreed as follows:

Article 1

States parties shall take all feasible measures to ensure that persons who have not attained the age of [18] [17] years do not take [a direct] part in hostilities.

Article 2

1. States parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

2. States parties shall ensure that persons who have not attained the age of [16] [17] [18] years are not voluntarily recruited into their armed forces.

3. States parties shall ensure that every person who chooses to enlist into their armed forces before reaching the age of 18 does so of his or her own free will and, unless he or she has already attained majority, with the full and informed consent of those legally responsible for him or her.

4. [Paragraph 2 does not apply to education and vocational training in establishments operated by or under the control of the armed forces of the States parties in keeping with articles 28 and 29 of the Convention on the Rights of the Child.] 1/

New article A

[States parties shall take all appropriate measures to prevent recruitment of persons under the age of 18 years by non-governmental armed groups involved in hostilities.]

Article 3

Nothing in the present Protocol shall be construed so as to preclude provisions in the law of a State party or in international instruments and international humanitarian law which are more conducive to the realization of the rights of the child.

Article 4

[No reservation is admissible to the present Protocol.]

OR

[No reservation is admissible to articles ... and ... of the present Protocol.]

OR

[A reservation incompatible with the object and the purpose of the present Protocol shall not be permitted.]

1/ To be considered further (see paras. 101 and 102 of the report).

Article 5

The States parties to the present Protocol shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, information on the measures that they have adopted to give effect to the present Protocol.

New article D

[1. If the Committee receives reliable information which appears to it to contain well-founded indications that recruitment or use of children in hostilities, contrary to the provisions of the present Protocol, is being practised in the territory of a State party, the Committee may request the observations of the State party with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State party concerned, as well as any other relevant information available to it, the Committee may:

(a) Seek further clarification, information or comments from any source, including where applicable the source(s) of the original information;

(b) Hold hearings in order to clarify the situation.

3. The Committee may initiate a confidential inquiry, which may include a visit of its members (2-3) to the territory of the State party concerned:

(a) Such a visit could take place only with the consent/after the consultation with the State party concerned;

(b) If an inquiry is made in accordance with the present paragraph the Committee shall cooperate with the State party concerned.

4. After examining the findings of its inquiry, made in accordance with paragraphs 2 and 3 of this article, the Committee shall transmit these findings to the State party concerned together with any comments or recommendations which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 3, the Committee may decide to include a summary account of the results of the proceedings in its annual report.]

[Article 6]

[The provisions of the present Protocol shall apply to the States parties in addition to the provisions of the Convention on the Rights of the Child.]

Article 7

1. The present Protocol is open for signature by any State which is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification or open to accession by any State which has ratified or acceded to the Convention. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General of the United Nations in his capacity as the depositary of the Convention and the Protocol shall inform all States parties to the Convention and all States which have signed the Convention of each instrument of ratification or accession to the Protocol.

Article 8

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 9

1. Any State party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States parties to the Convention and all States which have signed the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General of the United Nations. If, however, on the expiry of that year the denouncing State party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Protocol in regard to any act which occurs prior to the date at which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

Article 10

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations together with the Convention on the Rights of the Child.

2. The Secretary-General of the United Nations shall transmit certified copies of this Protocol to all States parties to the Convention and all States which have signed the Convention.